

Notice of Allowability	Application No.	Applicant(s)	
	10/651,841	DUNCAN ET AL.	
	Examiner	Art Unit	
	Crystal J. Barnes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on 23 May 2006.
2. ☒ The allowed claim(s) is/are 1-11, 13-20, 22-24, 26 and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

1. The following is a Notice of Allowability in response to the Amendment received on 23 May 2006. Claims 1, 17, 23 and 27 have been amended. Claims 12, 21 and 25 have been cancelled. Claims 1-11, 13-20, 22-24, 26 and 27 remain pending in this application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rob L. Phillips, Reg. No. 40,305 on 17 July 2006.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1 last line, inserted --by storing information locally, making the necessary decisions, and issuing commands to the one or more field

devices independently without the presence of the server-- after
"server".

Claim 17 last line, inserted --by storing information locally, making the
necessary decisions, and issuing commands to the field device
independently without the presence of the server-- after "server".

Claim 23 last line, inserted --by storing information locally, making the
necessary decisions, and issuing commands to one or more field
devices independently without the presence of the server-- after
"server".

Claim 27 last line, inserted --by storing information locally, making the
necessary decisions, and issuing commands to the field device
independently without the presence of the server-- after "server".

REASONS FOR ALLOWANCE

3. Claims 1-11, 13-20, 22-24, 26 and 27 are allowed.
4. The following is an examiner's statement of reasons for allowance:

As per claim 1, the personality module capable of operating autonomously
from the server by storing information locally, making the necessary decisions, and

issuing commands to the one or more field devices independently without the presence of the server.

As per claim 17, the prior art of record taken alone or in combination fails to teach the at least one modular personality module capable of operating autonomously from the server by storing information locally, making the necessary decisions, and issuing commands to the field device independently without the presence of the server.

As per claim 23, the prior art of record taken alone or in combination fails to teach each personality module is capable of operating autonomously from the server by storing information locally, making the necessary decisions, and issuing commands to one or more field devices independently without the presence of the server.

As per claim 27, the prior art of record taken alone or in combination fails to teach the personality module capable of operating autonomously from the server by storing information locally, making the necessary decisions, and issuing commands to the field device independently without the presence of the server.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Specification

5. The amendment to the specification was received on 23 May 2006. These corrections are acceptable.

Terminal Disclaimer

6. The terminal disclaimer filed on 23 May 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 10/651,846 (now USPN 7,068,164) has been reviewed and is accepted. The terminal disclaimer has been recorded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CJB
17 July 2006